

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12910, of Curtin and Johnson, Inc., pursuant to Paragraph 8207.11 of the Zoning Regulations, for variances from the prohibition against allowing required accessory parking in front of dwellings (Paragraph 7205.12) and from the prohibition against allowing open parking spaces within ten feet of a dwelling (Sub-section 7205.2) in an R-5-A District at the premises 148, 150, 155 and 157 Wilmington Place, S.E. (Square 6093, Lots 2 and 3 and Square 6118, Lots 19 and 20).

HEARING DATE: April 11, 1979

DECISION DATE: April 11, 1979 (Bench Decision)

FINDINGS OF FACT:

1. The subject Lots 2 and 3 are located on the north side of Wilmington Place, and Lots 19 and 20 are located on the south side of Wilmington Place, directly opposite lots 2 and 3. They are known respectively as 148, 150, 155 and 157 Wilmington Place, S.E., and are in an R-5-A District.

2. Each of the four lots on which the subject parking spaces are proposed consists of 3,750 square feet of land area.

3. North of lots 2 and 3 there is a paper alley adjacent to an apartment complex in the R-5-A District. East of lot 2 is a wooded lot with a steep downward slope toward 2nd Street. South of lots 2 and 3 are lots 19 and 20, on the south side of Wilmington Place. West of lot 3 there is a single family detached dwelling.

4. North of lots 19 and 20 are lots 2 and 3 across Wilmington Place. East of lot 20 is a wooded lot with a steep downward slope toward 2nd Street. South of lots 19 and 20 is a paper alley and an apartment complex. West of lot 19 are semi-detached dwellings.

5. There is a thirty-nine foot difference in elevation between the subject lots and 2nd Street to the east. Wilmington Place dead ends in a T turn with vehicle barriers, just east of the subject property.

6. The applicant is proposing to build four semi-detached dwellings with the required off-street parking spaces located within ten feet of and in front of the proposed structures. The applicant seeks variances to allow the required accessory parking in front of the proposed dwellings and within ten feet of a dwelling.

7. The proposed nine foot by nineteen foot concrete parking pads will be located in the front yards of the dwellings with concrete car stops positioned three feet from the dwellings. The parking spaces will not infringe on the sidewalk area.

8. The applicant testified that the original plans approved by the Zoning Review Branch showed parking spaces located in accordance with the regulations; however, the site elevations/grades were interpreted wrong requiring the requested variance. The applicant further noted that the dwellings are intended to be low cost, and that if the excavation work was performed to provide the parking spaces on the rear yards as required by the regulations the price of the units would be raised substantially. The proposed dwellings which are under construction are located on lots having grades of twenty-two to twenty-three percent.

9. There are no accessible public alleys to the rear of the subject properties.

10. The subject Wilmington Place runs for two blocks to a dead end. There are approximately ten residences that front on Wilmington Place. None of these residences have on-site parking. None have concrete parking pads on their front yards.

11. The proposed concrete parking pads would occupy more than half of the front yard.

12. The Office of Planning and Development, by memorandum of April 5, 1979, recommended that the application be approved on the grounds that exceptional topographic conditions exist on the sites, and that the requested area variances can be granted without substantial detriment to the public good and without impairing substantially the intent, purpose and integrity of the Zoning Regulations and map. The Board finds that the exceptional topograph condition exists, but that the paving of the majority of the front yards of the dwelling and use for parking would be detrimental to the public good.

13. Advisory Neighborhood Commission - 8D made no recommendation on the application.

14. There was no opposition to the application.

CONCLUSIONS OF LAW:

Based on the record, the Board concludes that the applicant is requesting area variances, the granting of which requires proof of a practical difficulty inherent in the properties. The Board notes that there is a severe drop-off in grade at the rear of the property. The practical difficulty is inherent in the exceptional topographic conditions existing on the subject sites as stated in the OPD report.


The Board concludes that the variances requested could be granted. On the other hand, the Board is aware that the variances requested would not improve the appearances of the subject properties and would distract from the appearance of this small immediate neighborhood. The subject houses would have no adequate front yards as do their neighbors. The concrete parking slabs would not be in keeping with the neighborhood. All residents on the subject street park off-site and on-street and the parking on-street is adequate. In view of this, the Board further concludes that the most harmonious solution with no substantial detriment to the neighborhood is to waive the on-site parking requirements of the Zoning Regulations for these four subject lots.

Accordingly, it is ORDERED that a variance from the off-street parking requirements so as to provide no off-street parking for the subject property is GRANTED.

VOTE: 4-0 (Theodore F. Mariani, Chloethiel Woodard Smith, Charles R. Norris and William F. McIntosh to waive the required parking; Leonard L. McCants not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:



STEVEN E. SHER
Executive Director

Application No. 12910
Page 4

FINAL DATE OF ORDER: 18 JUN 1979

THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WITHIN A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER.